



(f.b.)

**United States Environmental Protection Agency  
Region I – New England  
5 Post Office Square, Suite 100  
Boston, Massachusetts 02109-3912**

**Urgent Legal Matter - Prompt & Complete Replay is required  
Certified Mail - Return Receipt Requested**

**NOV - 3 2014**

Joseph P. Mirabito, Chief Executive Officer  
Mirabito Holdings Incorporated  
The Metrocenter  
49 Court Street  
Binghamton, NY 13902

Re: Request for Information, Docket No. 15-308-02

Dear Mr. Mirabito:

On September 10, 2014, the U.S. Environmental Protection Agency ("EPA") conducted an inspection at Mirabito Holdings Inc's., D.J. Oil Express oil storage and distribution facility located at 18 Crystal Street in Lenoxdale, Massachusetts (the "Facility").

Based on information collected by the inspector the Facility may not have been in compliance with the Oil Pollution Prevention Regulations at 40 C.F.R. Part 112, promulgated under Section 311 of the Clean Water Act, 33 U.S.C. § 1321. The Facility's most recent Spill Prevention, Control, and Countermeasure ("SPCC") Plan was not available for review by the inspector at the time of the inspection, the Plan may not have been recertified by a professional engineer within six months of a Facility change, annual training forms were not available for review and the EPA inspector noted certain irregularities with respect to the monthly inspection and piping records.

During the site walk the EPA inspector observed: paint chipping off of the top and underside of a 20,000 gallon tank, a drainage shut-off valve to a 1,500 gallon diesel oil tank's containment dike in the open position, accumulated combustibles (leaves and debris) in a containment dike, and a vehicle and equipment washing operation that has potential to discharge to surface waters. Please note that process wastewaters generated from the operation are prohibited from being discharged to surface waters without permit authorization under EPA's National Pollutant Discharge Elimination System ("NPDES") Regulations at 40 C.F.R. Part 122.

On October 1, 2014, the Facility provided EPA with a copy of the most recent SPCC Plan, dated April 2011. The site diagram and narrative language fails to properly describe and depict the drainage pattern from the Facility. During the site walk, the EPA inspector observed certain storm drains in the yard that are not shown on the diagram. The drainage pattern and



final discharge point from all drains must be accurately shown on the diagram and described in the Plan's narrative language. Page one of the Plan notes that it shall be reviewed every three years; the Plan shall be reviewed by management at a minimum once every five years. Also, the Plan doesn't contain the correct telephone number(s) for reporting a spill to the National Emergency Response Center (i.e., 1-800-424-8802 or 1-202-426-2675). The Plan has two pages numbered "7."

**Under the authority of Sections 308 and 311(m) of the Clean Water Act, 33 U.S.C. §§ 1318 and 1321(m), you are hereby required to submit to EPA within 30 calendar days of your receipt of this letter the following:**

1. A revised copy of the Facility's SPCC Plan. You only need to submit pages which require change.
2. The date the Facility first started having the capacity to store oil above the SPCC regulatory thresholds set forth in 40 C.F.R. § 112.1(d)(1) (i.e., the SPCC-regulated underground oil storage capacity of the Facility is greater than 42,000 gallons -or- the aboveground oil storage capacity of the Facility is greater than 1,320 gallons).
3. The date the Facility first began operation and the date the current owner (Mirabito Holdings Incorporated) took over ownership of the Facility. If the Facility is operated by an entity other than the owner, also include the date the current operator took over operation of the Facility.
4. The date the Facility completed upgrades/improvements as noted in Section 2.3 of the January 2009 SPCC Plan which was reviewed by EPA at the time of the inspection. When answering this question please provide a separate and individual response for each individual improvement (e.g., removal of seven 10,000 gallon tanks; installation of two 10,000 gallons tanks; installation of new steel loading platform).
5. From January 1, 2011 to the present provide the following: (1) a copy of each Monthly Tank and Fuel Truck Inspection Form, (2) the name of the person who signed/completed each of the Forms, and (3) the name of the owner and operator for the Facility at the time each Form was completed. If tank and piping inspection records are not available please explain the reasons. Also, provide a statement which indicates if Monthly Inspection Forms were actually completed in their entirety at the time of the actual inspections. If Forms were not completed in their entirety at the time of each inspection please explain the reason why.
6. From January 1, 2011 to the present provide a copy of all training records specific for oil handling personnel and associated with the implementation of the SPCC Plan. When answering this question please note which employees are still working for the Facility. If training records are not available please explain the reasons.
7. From January 1, 2011 to the present provide a copy of all drainage discharge records and/or waste disposal records associated with wastewaters and/or oily wastewaters pumped/discharged from each of the Facility's two oil/water separator units. If such records are not available please explain the reasons.



8. A complete list of additional facilities owned by the owner of the inspected Facility, including the name, address, and total number of employees at each facility. If the inspected Facility is operated by an entity other than the owner, a list of additional facilities operated by the operator of the inspected Facility, including the name, location, and total number of employees at each facility. For each additional facility listed, provide the following information:

- a. The aggregate shell capacity of all above ground oil tanks and containers equal to or greater than 55 gallons in size at each facility.
- b. Explain whether each additional facility is subject to the Oil Pollution Prevention Regulations (40 C.F.R. Part 112).
- c. For those facilities that are subject to the Oil Pollution Prevention Regulations indicate whether the facility has a written, Professional Engineer-certified SPCC Plan or a written, self-certified SPCC Plan, and whether the SPCC Plan is being fully implemented at the facility; and
- d. For facilities that are required to have an SPCC Plan but either do not have one or are not fully implementing their SPCC Plan, provide a time frame for when each facility is expected to be in compliance with the Oil Pollution Prevention Regulations.

End of questions. Answers to the above set of questions shall be sent to:

Joseph Canzano, P.E.  
Spill Prevention Compliance Coordinator  
U.S. Environmental Protection Agency, Region 1  
5 Post Office Sq., Suite 100  
Mail Code OES04-4  
Boston, MA 02109-3912

Be advised that noncompliance with the Oil Pollution Prevention Regulations and/or the National Pollutant Discharge Elimination System Regulations constitutes a violation of the Clean Water Act for which both injunctive relief and penalties may be sought.

EPA reserves its right to take further enforcement action pursuant to the Clean Water Act, and other applicable laws, including the right to seek penalties, for any violations detected at the above-referenced inspection. Although preparation and/or revision and submittal of an SPCC Plan to EPA does not preclude EPA from seeking penalties for violations of the Clean Water Act, your prompt response towards coming into full compliance with the Oil Pollution Prevention Regulations will be taken into account in determining EPA's enforcement response.

Please be further advised that compliance with this information request is mandatory. Failure to respond fully and truthfully, or to adequately justify any failure to respond, within the time frame specified above, also constitutes a violation of the Clean Water Act subject to enforcement action, including the assessment of civil penalties. In addition, providing false, fictitious, or fraudulent statements or representations may subject you to criminal prosecution under 18 U.S.C. § 1001. If information or documents not known or available to you as of the date of submission of your response to this request should later become known or available to you, you must supplement your response to EPA. Moreover, should you find at any time after



the submission of the response that any portion of the submitted information is false or misrepresents the truth, you must notify EPA of this fact as soon as possible, and provide a corrected response.

You may, if you desire, assert a business confidentiality claim covering part or all of the information requested in the manner described by 40 C.F.R. § 2.203(b). Information covered by such a claim will be disclosed by EPA only to the extent, and by means of the procedures, set forth in 40 C.F.R. Part 2, Subpart B. If no such claim accompanies the information when it is received by EPA, the information may be made available to the public without further notice to you.

Enclosed with this information request letter is an information sheet intended to assist small businesses, as defined by the Small Business Administration ("SBA") at 13 C.F.R. Part 121.201, in understanding and complying with environmental regulations. EPA New England is routinely providing this information to businesses in the course of its enforcement activities, whether or not they are small businesses as defined by the SBA. The Small Business Regulatory Enforcement and Fairness Act ("SBREFA") provides small businesses with the opportunity to submit comments on regulatory enforcement at the time of an agency enforcement activity. The enclosed Information Sheet provides information on this right, as well as information on compliance assistance that may be available to you. The Small Business Ombudsman may be reached at 1-800-368-5888. Please be aware that availing yourself of this opportunity does not relieve the Facility of its responsibility to comply with federal law and this information request.

Your response to this Request must be accompanied by the certificate that is signed and dated by the person who is authorized to respond to the Request on behalf of the company. The certification must state that your response is complete and contains all information and documentation available to you that is responsive to the Request. A Statement of Certification is enclosed with this letter.

We are also including, as an attachment, a copy of all pictures taken during the inspection. If you have any questions concerning your compliance with this letter, please contact Joseph Canzano, Region I Oil Spill Prevention Compliance Coordinator, directly at (617) 918-1763, or have your attorney contact Jeffrey Kopf, EPA's attorney in this matter, at (617) 918-1796. For your information, EPA has on its website ([www.epa.gov/oilspill](http://www.epa.gov/oilspill)) a general guidance document on SPCC Plan preparation, including a model SPCC Plan.

Sincerely,



James Chow, Manager  
Technical Enforcement Office  
Office of Environmental Stewardship

Enclosure

cc: Russell Wark, Facilities, Environmental & Compliance Manager



**Statement of Certification**

Mirabito Holdings Incorporated  
DJ Oil Express  
18 Crystal Street  
Lenoxdale, MA 01242

(To be returned with Response to Information Request)

I declare under penalty of perjury that I am authorized to respond on behalf of Mirabito Holdings Incorporated. I certify that the foregoing responses and information submitted were prepared under my direction or supervision and that I have personal knowledge of all matters set forth in the responses and the accompanying information. I certify that the responses are true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment.

By \_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Print Name)

\_\_\_\_\_  
(Title)

\_\_\_\_\_  
(Date)







**Attachment A**

**Photos taken by Joseph Canzano  
EPA Region 1  
Oil Spill Compliance Coordinator**

**Photos 1 – 36**

**Mirabito Energy Products**

**18 Crystal Drive  
Lenox Dale, MA 01242  
09/10/14 USEPA Inspection**

**42° 20' 05" N  
73° 14' 39" W**



Mirabito Energy Products

18 Crystal Drive

Lenox Dale, MA 01242

09/11/14 USEPA Inspection

42° 20' 05" N  
73° 14' 39" W

Diesel Tank  
Oil Off-Loading Area

(2) 20,000 Gal Tanks &  
Loading Rack

Catch  
Basin

Housatonic  
River

Discharge  
Pipe & Valve

Truck  
Garage

Office





Mirabito Energy Products  
18 Crystal Drive  
Lenox Dale, MA 01242  
09/11/14 USEPA Inspection

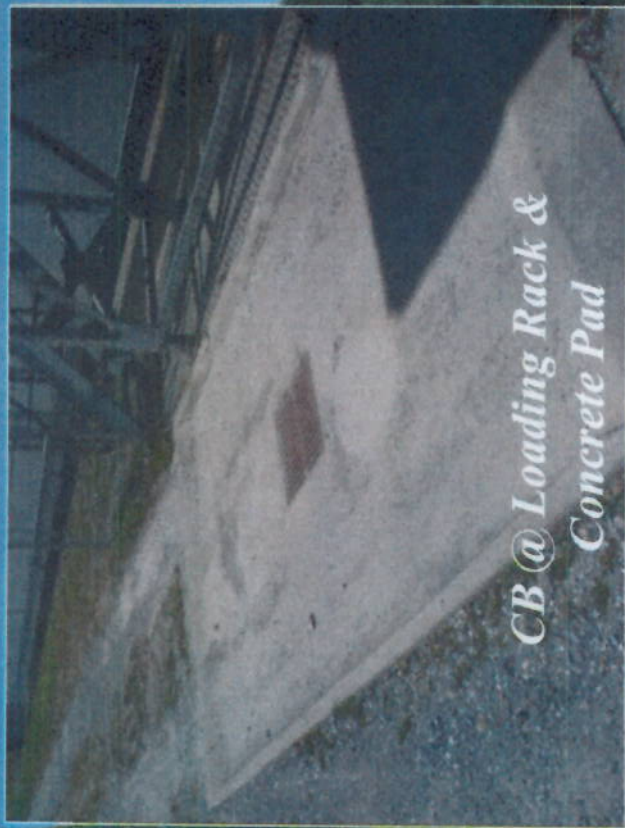
42° 20' 05" N  
73° 14' 39" W

(2) 20,000 Gallon Tanks  
No. 2 Fuel  
Steel Dike w/Rain Guard





Mirabito Energy Products  
18 Crystal Drive  
Lenox Dale, MA 01242  
09/11/14 USEPA Inspection



CB @ Loading Rack &  
Concrete Pad





Mirabito Energy Products  
18 Crystal Drive  
Lenox Dale, MA 01242  
09/11/14 USEPA Inspection



Light @ Loading Rack



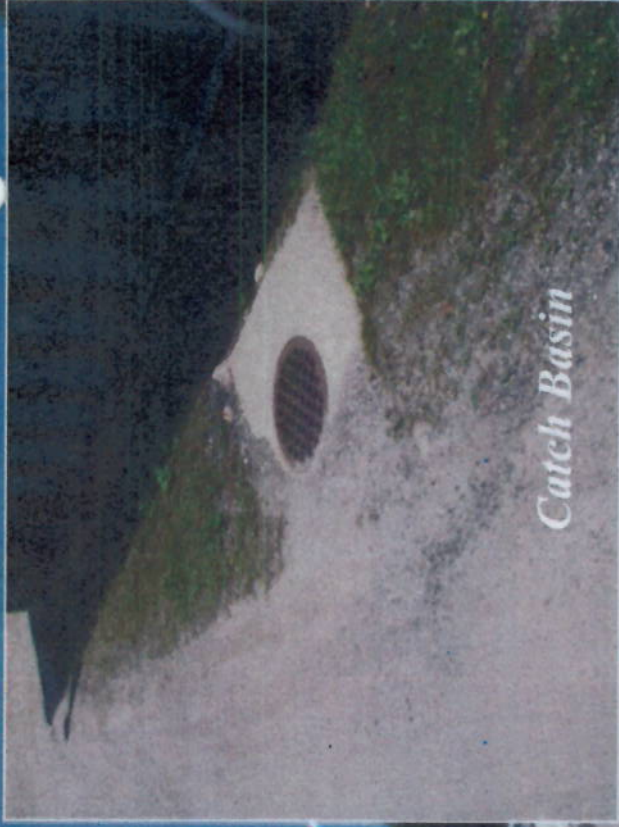


*Loading Rack*





Mirabito Energy Products  
18 Crystal Drive  
Lenox Dale, MA 01242  
09/11/14 USEPA Inspection



*Catch Basin*

*Drainage  
Flow Path*



Mirabito Energy Products

18 Crystal Drive

Lenox Dale, MA 01242

09/11/14 USEPA Inspection

OIL EXPRESS

Paint Chipping &  
Rusting



Mirabito Energy Products

18 Crystal Drive

Lenox Dale, MA 01242

09/11/14 USEPA Inspection

Drain Plug

Paint Chipping



*Mirabito Energy Products  
18 Crystal Drive  
Lenox Dale, MA 01242  
09/11/14 USEPA Inspection*

*Tank Setback Area from Wall  
Maintain/Clean for Debris/Leaves and  
other Combustibles*





Mirabito Energy Products  
18 Crystal Drive  
Lenox Dale, MA 01242  
09/11/14 USEPA Inspection

Material Storage  
Building

Bollards

275 Gallon  
No 2 Fuel  
Double Wall Tank



Mirabito Energy Products  
18 Crystal Drive  
Lenox Dale, MA 01242  
09/11/14 USEPA Inspection

Wood  
Storage  
Shed



Drums  
Identify Contents & Manage Accordingly





*Catch Basin*



*Tank Feed Piping*



*A-A*

*Mirabito Energy Products  
18 Crystal Drive  
Lenox Dale, MA 01242  
09/11/14 USEPA Inspection*



*Mirabito Energy Products  
18 Crystal Drive  
Lenox Dale, MA 01242  
09/11/14 USEPA Inspection*

*Oil Fill Ports &  
Spill Buckets*

*1,500 Diesel Tank  
w/Steel Dike*

*Storm Drain      Concrete Transfer Pad*

*Oil Off-Loading Area &  
Diesel Dispensing Station*



Mirabito Energy Products  
18 Crystal Drive  
Lexington, MA 01242  
09/11/14 USEPA Inspection

Fuel Nozzle - Trigger Automatic  
Recommend Drill Out & Make Trigger Manual

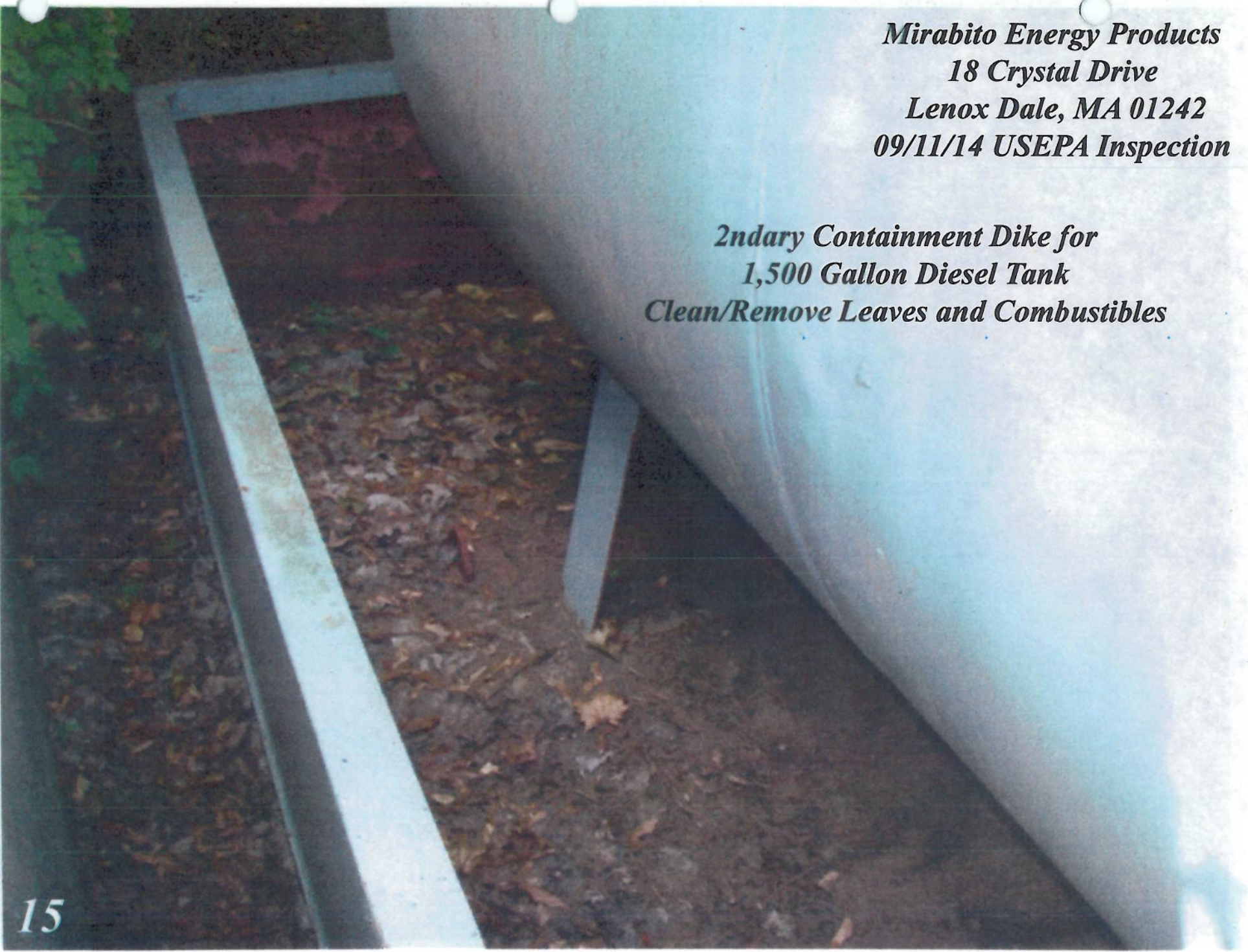
Lock



*Mirabito Energy Products  
18 Crystal Drive  
Lenox Dale, MA 01242  
09/11/14 USEPA Inspection*

*Lighting  
Oil Off-Loading Area &  
Diesel Dispensing Station*





*Mirabito Energy Products  
18 Crystal Drive  
Lenox Dale, MA 01242  
09/11/14 USEPA Inspection*

*2ndary Containment Dike for  
1,500 Gallon Diesel Tank  
Clean/Remove Leaves and Combustibles*



Mirabito Energy Products

18 Crystal Drive

Lenox Dale, MA 01242

09/11/14 USEPA Inspection

2ndary Containment Dike for  
1,500 Gallon Diesel Tank  
Drain Opening to Valve



*Drain Valve to Diesel Tank's Containment Dike  
EPA Observed Valve Turned to Open Position  
Keep Closed When Not Draining Stormwaters*

*Mirabito Energy Products  
18 Crystal Drive  
Lenox Dale, MA 01242  
09/11/14 USEPA Inspection*



Mirabito Energy Products  
18 Crystal Drive  
Lenox Dale, MA 01242  
09/11/14 USEPA Inspection

*Drain Valve to Diesel Tank's Containment Dike  
EPA Observed Valve Turned to Open Position  
Keep Closed When Not Draining Stormwaters*



Mirabito Energy Products  
18 Crystal Drive  
Lenox Dale, MA 01242  
09/11/14 USEPA Inspection

*Drain Ports & Valves*  
*Keep Valves Closed When Not Draining Stormwaters*  
*Document Stormwaters when Draining for Oil Sheen*









Mirabito Energy Products  
18 Crystal Drive  
Lenox Dale, MA 01242  
09/11/14 USEPA Inspection

B-B

A-A

21





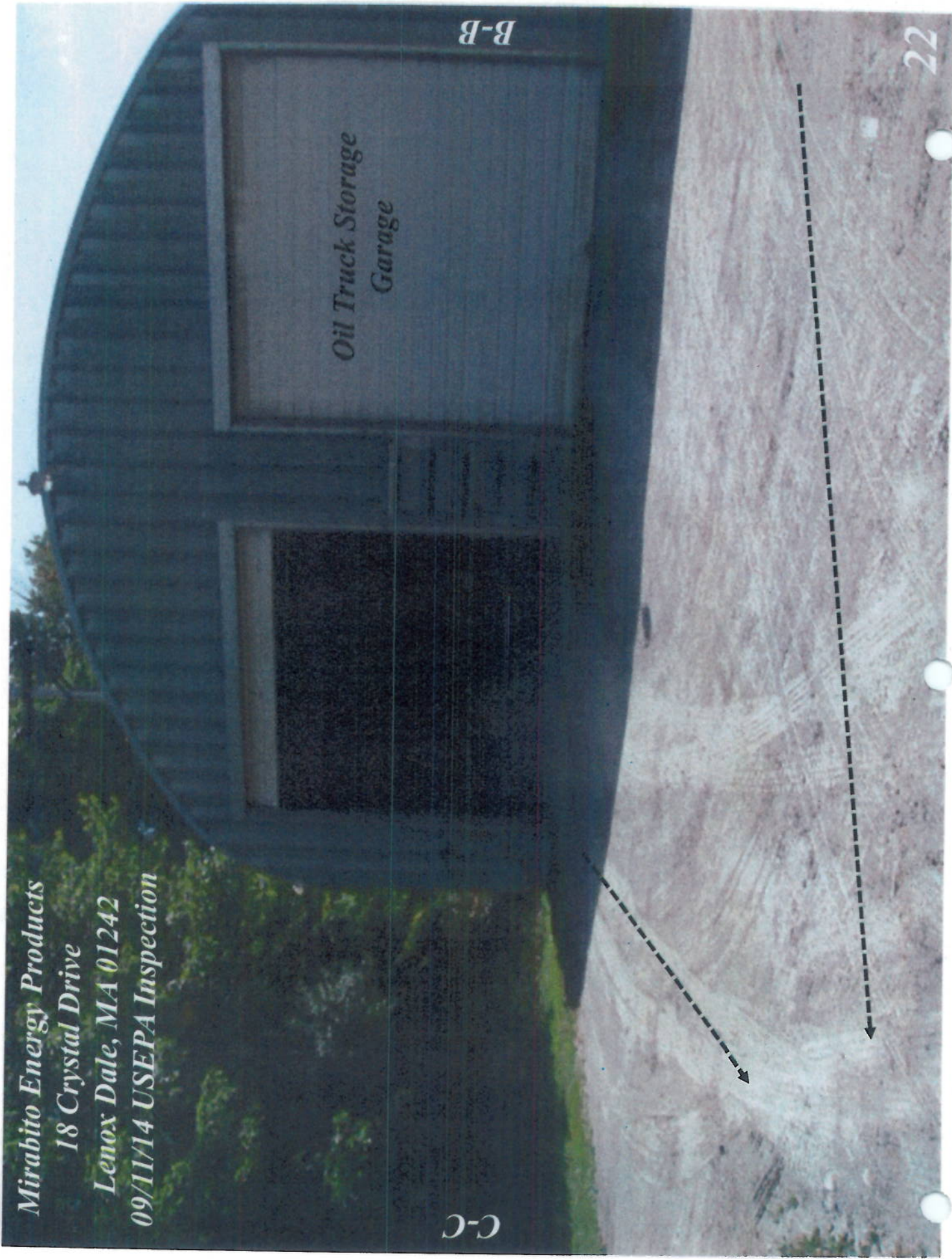
Mirabito Energy Products  
18 Crystal Dale Drive  
Lenox Dale, MA 01242  
09/11/14 USEPA Inspection

Oil Truck Storage  
Garage

B-B

22

C-C



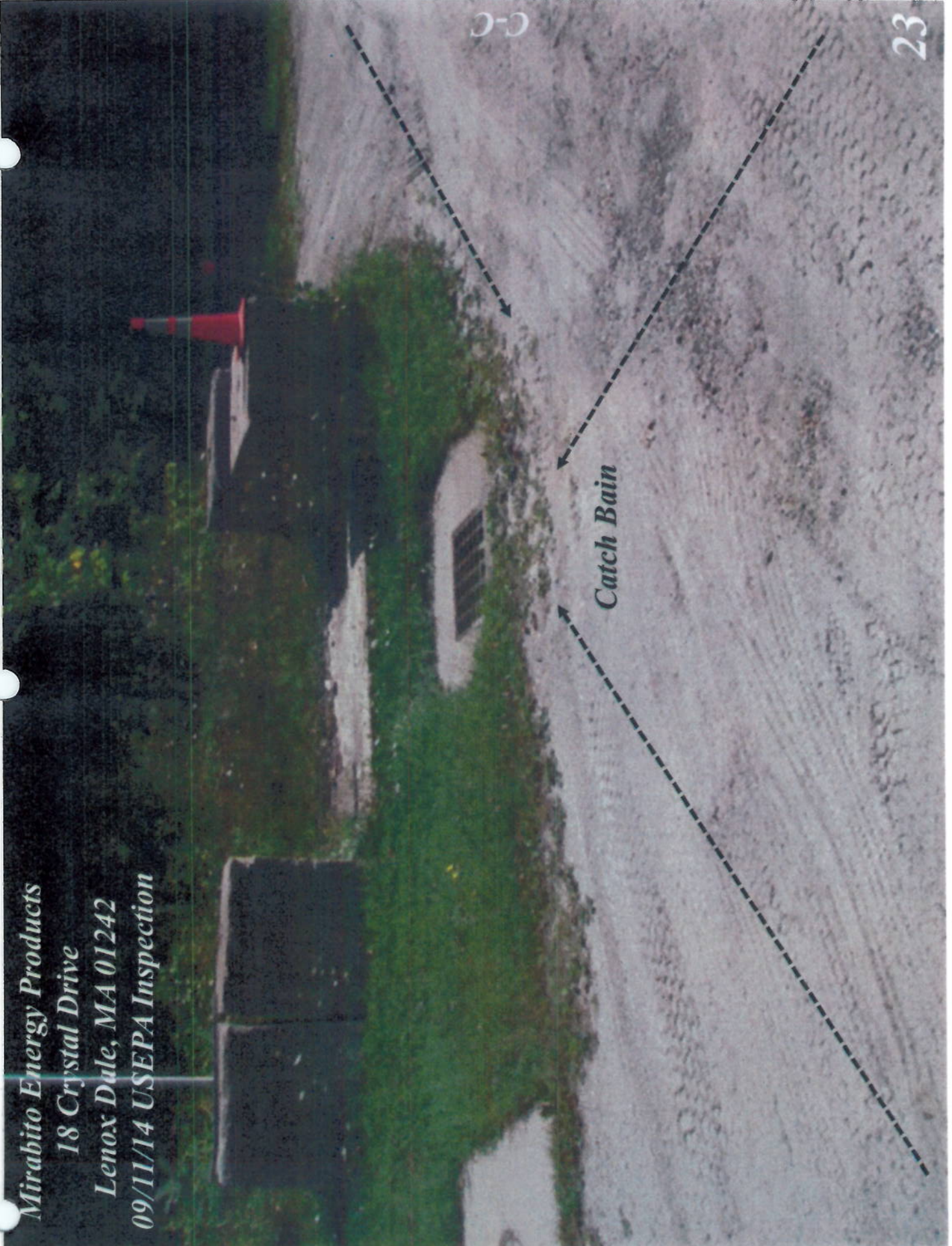


Mirabito Energy Products  
18 Crystal Drive  
Lenox Dale, MA 01242  
09/11/14 USEPA Inspection

C-C

23

Catch Basin





*Mirabito Energy Products  
18 Crystal Drive  
Lenox Dale, MA 01242  
09/11/14 USEPA Inspection*



*Pressure Washer Wand*

*Vehicle and Equipment Washing  
& Cleaning Station  
Drainage Path to Catch Basin*



*Mirabito Energy Products  
18 Crystal Drive  
Lenox Dale, MA 01242  
09/11/14 USEPA Inspection*

*Vehicle and Equipment Washing  
& Cleaning Station  
Drainage Path to Catch Basin*

*Catch Basin*



Mirabito Energy Products  
18 Crystal Drive

Lenox Dale, MA 01242  
09/11/14 USEPA Inspection

Pressure Washer  
Unit

Oil Truck Storage  
Garage



*Mrubur Energy Products  
18 Crystal Drive*

*Lenox Dale, MA 01242  
09/11/14 USEPA Inspection*

*River's  
Embankment*

*Facility Drain Valve to Discharge Pipe*

*Keep Valve Closed*

*Document Stormwaters when Discharging for Oil Sheen*

*Clear Vegetation/Maintain Access Path to Valve and Discharge Pipe*



Mirabito Energy Products  
18 Crystal Drive  
Lenox Dale, MA 01242  
09/11/14 USEPA Inspection

Trench Drain

Oil Truck Storage  
Garage



Mirabito Energy Products  
18 Crystal Drive  
Lenox Dale, MA 01242  
09/11/14 USEPA Inspection

275 Gallon  
No 2 Fuel  
Double Wall Tank

Trench Drain

Oil Truck Storage  
Garage



Mirabito Energy Products

18 Crystal Drive

Lenox Dale, MA 01242

09/11/14 USEPA Inspection

275 Gallon  
No 2 Fuel  
Double Wall Tank



Mirabito Environmental Products  
18 Crystal Drive

Lenox Dale, MA 01242

09/11/14 USEPA Inspection

275 Gallon  
No 2 Fuel  
Double Wall Tank







## U.S. EPA Small Business Resources Information Sheet

The United States Environmental Protection Agency provides an array of resources, including workshops, training sessions, hotlines, websites and guides, to help small businesses understand and comply with federal and state environmental laws. In addition to helping small businesses understand their environmental obligations and improve compliance, these resources will also help such businesses find cost-effective ways to comply through pollution prevention techniques and innovative technologies.

### EPA's Small Business Websites

Small Business Environmental Homepage - [www.smallbiz-enviroweb.org](http://www.smallbiz-enviroweb.org)

Small Business Gateway - [www.epa.gov/smallbusiness](http://www.epa.gov/smallbusiness)

EPA's Small Business Ombudsman - [www.epa.gov/sbo](http://www.epa.gov/sbo) or 1-800-368-5888

#### EPA's Compliance Assistance Homepage

[www.epa.gov/compliance/assistance/  
business.html](http://www.epa.gov/compliance/assistance/business.html)

This page is a gateway to industry and statute-specific environmental resources, from extensive web-based information to hotlines and compliance assistance specialists.

#### EPA's Compliance Assistance Centers [www.assistancecenters.net](http://www.assistancecenters.net)

EPA's Compliance Assistance Centers provide information targeted to industries with many small businesses. They were developed in partnership with industry, universities and other federal and state agencies.

#### Agriculture

[www.epa.gov/agriculture/](http://www.epa.gov/agriculture/)

#### Automotive Recycling

[www.ecarcenter.org](http://www.ecarcenter.org)

#### Automotive Service and Repair

[www.ccar-greenlink.org](http://www.ccar-greenlink.org) or 1-888-GRN-LINK

#### Chemical Manufacturing

[www.chemalliance.org](http://www.chemalliance.org)

#### Construction

[www.cicacenter.org](http://www.cicacenter.org) or 1-734-995-4911

#### Education

[www.campuserc.org](http://www.campuserc.org)

#### Food Processing

[www.fpeac.org](http://www.fpeac.org)

#### Healthcare

[www.hercenter.org](http://www.hercenter.org)

#### Local Government

[www.lgean.org](http://www.lgean.org)

#### Metal Finishing

[www.nmfrc.org](http://www.nmfrc.org)

#### Paints and Coatings

[www.paintcenter.org](http://www.paintcenter.org)

#### Printed Wiring Board Manufacturing

[www.pwbrc.org](http://www.pwbrc.org)

#### Printing

[www.pneac.org](http://www.pneac.org)

#### Ports

[www.portcompliance.org](http://www.portcompliance.org)

#### U.S. Border Compliance and Import/Export Issues

[www.bordercenter.org](http://www.bordercenter.org)

#### Hotlines, Helplines and Clearinghouses

[www.epa.gov/epahome/hotline.htm](http://www.epa.gov/epahome/hotline.htm)

EPA sponsors many free hotlines and clearinghouses that provide convenient assistance regarding environmental requirements. Some examples are:

#### Antimicrobial Information Hotline

[info-antimicrobial@epa.gov](mailto:info-antimicrobial@epa.gov) or  
1-703-308-6411

#### Clean Air Technology Center (CATC) Info-line

[www.epa.gov/ttn/catc](http://www.epa.gov/ttn/catc) or 1-919-541-0800

#### Emergency Planning and Community Right-To-Know Act

[www.epa.gov/superfund/resources/  
infocenter/epcra.htm](http://www.epa.gov/superfund/resources/infocenter/epcra.htm) or 1-800-424-9346

#### EPA Imported Vehicles and Engines Public Helpline

[www.epa.gov/otaq/imports](http://www.epa.gov/otaq/imports) or  
734-214-4100

#### National Pesticide Information Center

[www.npic.orst.edu/](http://www.npic.orst.edu/) or 1-800-858-7378

#### National Response Center Hotline - to report oil and hazardous substance spills

[www.nrc.uscg.mil](http://www.nrc.uscg.mil) or 1-800-424-8802

#### Pollution Prevention Information Clearinghouse (PPIC)

[www.epa.gov/opptintr/ppic](http://www.epa.gov/opptintr/ppic) or  
1-202-566-0799

#### Safe Drinking Water Hotline

[www.epa.gov/safewater/hotline/index.  
html](http://www.epa.gov/safewater/hotline/index.html) or 1-800-426-4791

#### Stratospheric Ozone Protection Hotline

[www.epa.gov/ozone](http://www.epa.gov/ozone) or 1-800-296-1996



### **Toxic Substances Control Act (TSCA) Hotline**

[tsc-hotline@epa.gov](mailto:tsc-hotline@epa.gov) or 1-202-554-1404

### **Wetlands Information Helpline**

[www.epa.gov/owow/wetlands/wetline.html](http://www.epa.gov/owow/wetlands/wetline.html) or 1-800-832-7828

### **State and Tribal Web-Based Resources**

#### **State Resource Locators**

[www.envcap.org/statetools](http://www.envcap.org/statetools)

The Locators provide state-specific contacts, regulations and resources covering the major environmental laws.

#### **State Small Business Environmental Assistance Programs (SBEAPs)**

[www.smallbiz-enviroweb.org](http://www.smallbiz-enviroweb.org)

State SBEAPs help small businesses and assistance providers understand environmental requirements and sustainable business practices through workshops, trainings and site visits. The website is a central point for sharing resources between EPA and states.

#### **EPA's Tribal Compliance Assistance Center**

[www.epa.gov/tribalcompliance/index.html](http://www.epa.gov/tribalcompliance/index.html)

The Center provides material to Tribes on environmental stewardship and regulations that might apply to tribal government operations.

#### **EPA's Tribal Portal**

[www.epa.gov/tribalportal/](http://www.epa.gov/tribalportal/)

The Portal helps users locate tribal-related information within EPA and other federal agencies.

### **EPA Compliance Incentives**

EPA provides incentives for environmental compliance. By participating in compliance assistance programs or voluntarily disclosing and promptly correcting violations before an enforcement action has been initiated, businesses may be eligible for penalty waivers or reductions. EPA has two such policies that may apply to small businesses:

#### **EPA's Small Business Compliance Policy**

[www.epa.gov/compliance/incentives/smallbusiness/index.html](http://www.epa.gov/compliance/incentives/smallbusiness/index.html)

This Policy offers small businesses special incentives to come into compliance voluntarily.

#### **EPA's Audit Policy**

[www.epa.gov/compliance/incentives/auditing/auditpolicy.html](http://www.epa.gov/compliance/incentives/auditing/auditpolicy.html)

The Policy provides incentives to all businesses that voluntarily discover, promptly disclose and expeditiously correct their noncompliance.

### **Commenting on Federal Enforcement Actions and Compliance Activities**

The Small Business Regulatory Enforcement Fairness Act (SBREFA) established a SBREFA Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. If you believe that you fall within the Small Business Administration's definition of a small business (based on your North American Industry Classification System designation, number of employees or annual receipts, as defined at 13 C.F.R. 121.201; in most cases, this means a business with 500 or fewer employees), and wish to comment on federal enforcement and compliance activities, call the SBREFA Ombudsman's toll-free number at 1-888-REG-FAIR (1-888-734-3247), or go to their website at [www.sba.gov/ombudsman](http://www.sba.gov/ombudsman).

Every small business that is the subject of an enforcement or compliance action is entitled to comment on the Agency's actions without fear of retaliation. EPA employees are prohibited from using enforcement or any other means of retaliation against any member of the regulated community in response to comments made under SBREFA.

### **Your Duty to Comply**

If you receive compliance assistance or submit a comment to the SBREFA Ombudsman or Regional Fairness Boards, you still have the duty to comply with the law, including providing timely responses to EPA information requests, administrative or civil complaints, other enforcement actions or communications. The assistance information and comment processes do not give you any new rights or defenses in any enforcement action. These processes also do not affect EPA's obligation to protect public health or the environment under any of the environmental statutes it enforces, including the right to take emergency remedial or emergency response actions when appropriate. Those decisions will be based on the facts in each situation. The SBREFA Ombudsman and Fairness Boards do not participate in resolving EPA's enforcement actions. Also, remember that to preserve your rights, you need to comply with all rules governing the enforcement process.

*EPA is disseminating this information to you without making a determination that your business or organization is a small business as defined by Section 222 of the Small Business Regulatory Enforcement Fairness Act or related provisions.*